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~~23.~~ (New) The electrosurgical generator as claimed in claim ¹⁸~~19~~, wherein the frequency for the cyclic changing of the output power is in a range of 1-20 Hz.

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~~24.~~ (New) The method of claim ¹⁷~~20~~, wherein said step of controlling the output power is performed at a frequency within a frequency range of 1-20 Hz.

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~~25.~~ (New) The method as claimed in claim ²²~~21~~, wherein the thermal frequency bandwidth is 1-20 Hz--.

REMARKS

Claims 1, 2, 8, 9 and 15 have been amended. New claims 18-25 have been added. Claims 1-9, and 11-25 are pending in the application.

The Examiner has rejected claims 1-9 and 11-17 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,713,896 to *Nardella*. Reconsideration of this rejection is requested in view of the foregoing amendments and the following remarks.

Claims 1, 8, 9 and 15 have been amended to include the frequency limitation of the application of output power as being less than that of radio frequencies. Support for these amendments can be found in the specification at page 4, line 15 *et seq.* The impedance feedback electrosurgical system of *Nardella* states that the electrosurgical energy is applied in the radio frequency range (Col. 4, lines 48-53). This clearly teaches

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Cont.

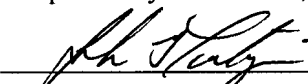
away from the claimed subject matter of the present invention which utilizes a frequency range (thermal bandwidth) having an upper limit that is lower than that of the lower threshold of radio frequencies. One of ordinary skill in the art would clearly recognize that the operating frequency range of the present invention is lower than that of radio frequencies. Withdrawal of the rejection is respectfully requested.

New claims 18-25 have been added which define the cyclic operation of the output power of the electrosurgical generator as being performed at a frequency less than 100kHz, and more specifically, in claims 21-25, as being in a range of 1-20 Hz.

In view of the foregoing, applicant believes the claims of this application are in condition for allowance. Early and favorable reconsideration of the present application and allowance of all pending claims are respectfully requested.

Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, it is requested that the Examiner contact applicant's undersigned attorney.

Respectfully submitted,


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